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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,573	11/02/2001	Charles S. Fenton	021768.1152	2730

7590 02/28/2006

Matthew B. Talpis, Esq.
Baker Botts L.L.P.
Suite 600
2001 Ross Avenue
Dallas, TX 75201-2980

EXAMINER	
POLTORAK, PIOTR	
ART UNIT	PAPER NUMBER
2134	

DATE MAILED: 02/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No.	Applicant(s)	
	10/040,573	FENTON ET AL.	
	Examiner	Art Unit	
	Peter Poltorak	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 November 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-55* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-55* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. The Amendment, and remarks therein, received on 11/18/05 have been entered and carefully considered.

Response to Amendment

2. Although some of the arguments were found persuasive the new search has resulted in the newly discovered prior art. New grounds of rejection based on the newly discovered prior art follow below.

3. Claims 1-55 have been examined.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-2, 6-7, 11-15, 19-20, 24-26, 28-31, 37, 40-41, 43-46, 52 and 54 are rejected under 35 U.S.C. 103(a) unpatentable over Dan et al. (U.S. Patent No. 6148290), hereinafter '290 in view of Epsteine et al. (U.S. Patent No. 6684329).

5. As per claims 1-2 and 11 '290 teach generating a plurality of virtual private proxies *(contract enforcers)* based on an agreement *(service contract)* between a first entity *(the provider)* and a second entity *(the client)* and associating a first virtual private

proxy associated with the first entity and a second virtual private proxy associated with the second entity *(col. 5. lines 49-63 and col. 6 lines 11-25).*

6. '290 teach monitoring data at received at the first virtual private proxy from the first entity, determining whether the data violates the agreement *(col. 6 lines 25-47).*
7. '290 do not explicitly teach disallowing communication of the data from the first virtual private proxy to the second virtual private proxy when proxy when data violation is detected.
8. Epsteine et al. teach that data is monitored to determine any violation and disallows communication of the data from the first virtual private proxy to the second virtual private proxy when proxy when data violation is detected *(col. 8 line 56- col. 9 line 23).*

   It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to disallow communication between proxies when the data violation is detected as taught by Epsteine et al. One of ordinary skill in the art would have been motivated to perform such a modification in order to allow only traffic conforming to a predetermined security policy.
9. As per claims 12 '290 do not explicitly teach that monitoring the data comprises monitoring data received at the first virtual private proxy to be communicated to the first entity.

   However, monitoring data received at the first virtual private proxy to be communicated to the first entity is an obvious modification. Proxies are commonly used to monitor bi-directional traffic including data sent as well as received in order

to protect system's security and it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to monitor data received at the first virtual private proxy to be communicated to the first entity given benefit of ensuring that the data sent to the first entity meets rules of the agreement.

10. Claims 13-15, 24-26, 28, 37, 40-41, 43 and 52 and 54 are substantially equivalent to claims 1-2 and 11-12; therefore claims 13-14, 21, 24-26, 28, 37, 40-41, 43 and 52 and 54 are similarly rejected.

11. As per claims 6-7, 19-20, 29, 30-31 and 44-46 the second entity reads on a secure switch thus the first virtual private proxy comprises a logical representation of a logical access point between the first entity and a secure switch. In order to activate the logical access point the logical access point must be accessed and software accesses entities such as access point using a logical representation of the entity; thus the first virtual private proxy must comprise a logical representation of a logical access point. Also, the first virtual private proxy that comprises a logical representation of a logical access point is connected with the secure switch and through physical means such as communication line 532 that in networks discussed by '290 *(Background of the invention)* are implemented by physical lines. Another words, the logical representation of the logical access point between the first virtual private proxy and the secure switch is implemented by a physical access *(means)* point between the first entity and the secure switch.

12. Although in the rejection above the examiner considered that the second entity comprising the second virtual private proxies reads on a secure switch, employing

an independent third party that ensures non-bias security transactions is old and well known in the computer arts. Thus, implementing the first and the second virtual proxy on an additional secure switch rather than on the first and second entity would be an obvious modification of '290 invention given a benefit of non-bias execution of agreement rules by an independent party (a secure switch).

13. Claims 3-5, 16-18, 38-39 and 53 are rejected under 35 U.S.C. 103(a) unpatentable over Dan et al. (U.S. Patent No. 6148290), hereinafter '290, in view of Epsteine et al. (U.S. Patent No. 6684329) and further in view of Ashdown et al. (U.S. Patent No. 6308276).

14. '290 teach logging violations *(col. 6 lines 48-56)* and Epsteine et al. teach alarms and reporting that is associated with data filtering (col. 10 lines 32-65).

15. As per claims 3-5, 16-18 and 38-39 and 53 '290 and Epsteine et al. do not explicitly teach generating an alarm based on the violation, 5 discarding the data that violates the agreement 3 and communicating the alarm to a system administrator.

16. Ashdown et al. teach (in addition to logging the violation) discarding the data that violates the agreement and alarms reported to a system administrator (col. 1 lines 29-45, col. 3 lines 1-6, Fig. 7, col. 9 lines 12-42, col. 11 lines 63-67).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement logging the violation, discarding the data that violates the agreement and alarms reported to a system administrator as taught by Ashdown et al. One of ordinary skill in the art would have been motivated to perform such a modification in order to completely control the data flow.

17. Claims 8-10, 21-23, 27, 32-36, 42, 47-51 and 55 are rejected under 35 U.S.C. 103(a) unpatentable over Dan et al. (U.S. Patent No. 6148290), hereinafter '290 in view of Epsteine et al. (U.S. Patent No. 6684329) and further in view of Dan et al. (U.S. Pub. 20020178103) hereinafter '103.

18. '290 and Epsteine et al. teach data exchange between entities utilizing the virtual private proxies, wherein data is filtered based on the agreement as discussed above.

19. As per claim 8, 10, 21, 23, 27, 32-34, 36, 42, 47-49, 51 and 55 '290 and Epsteine et al. do not explicitly teach that the entity comprise business, do not teach generating the agreement based on two profiles that are associated with the communicating entities and that are used to generate the agreement, and do not teach that profiles comprise name and contact information, a transport protocol and messaging protocol and process specification document [32 and 35].

20. '103 teach two business entities [1] with profiles comprising name and contact information generating an agreement based on two profiles associated with the communicating entities [38], the profiles comprising name and contact information [35] and messaging protocol [33].

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use business profiles to generate an agreement as taught by '103. One of ordinary skill in the art would have been motivated to perform such a modification in order to easily negotiate a contract based on the advertised businesses capability.

21. As per claims 9, 22, 35 and 50 '290, Epsteine et al. and '103 do not teach that the profiles comprise a transport security protocol and that the data allowed comprise XML data.

Official Notice is taken that transport security protocols *(e.g. IPSec, PPTP, LT2P etc.)* as well as XML data are and well-known and utilized in data communication between entities. Utilizing these protocols are obvious variations that are well known in the art. One would have been motivated to include these protocols in profiles and include XML data in allowed data especially in light of the benefits of these protocols and data as evidenced by their commercial success.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Poltorak whose telephone number is (571) 272-3840. The examiner can normally be reached Monday through Thursday from 9:00 a.m. to 4:00 p.m. and alternate Fridays from 9:00 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (571) 272-3838. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

2/19/06

KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100